

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CARL P. MCDONOUGH,

No. C-07-3087 MMC

Plaintiff,

ORDER OF DISMISSAL

v.

UNITED STATES OF AMERICA,


Defendant.

The court-appointed mediator having advised the Court that the parties have agreed to a settlement of the above-titled action,

IT IS HEREBY ORDERED that plaintiff's claims be dismissed without prejudice; provided, however, that if any party hereto shall certify to this Court, within ninety days, with proof of service of a copy thereon on opposing counsel, that the agreed consideration for the settlement has not been delivered, the foregoing order shall stand vacated and the action shall forthwith be restored to the calendar to be set for trial.

IT IS SO ORDERED.

Dated: February 27, 2008


MAKINE M. CHESNEY
United States District Judge